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BY ECF

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *United States v. Del Villar*, No. 20-cr-00295 (VEC)

Dear Judge Caproni:

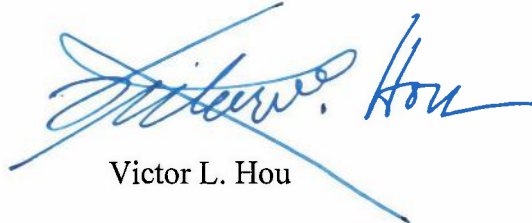
I am counsel appointed under the Criminal Justice Act for the defendant Mr. Del Villar in the case referenced above. I write in connection with my motion requesting that the Court allow Cleary Gottlieb Steen & Hamilton LLP to withdraw as counsel for Mr. Del Villar. I respectfully request that the Court allow me to file the supporting declaration for this motion to withdraw as counsel under seal in its entirety, as the declaration contains sensitive information about counsel's prior interactions with Mr. Del Villar and the reasons necessitating our withdrawal. I have informed counsel for the United States, including Assistant United States Attorney Kaylan Lasky, of my intention to request to file the declaration under seal, and the government has no objection to this request.

While there is a general presumption of public access to judicial documents, "the weight to be given the presumption of access must be governed by the role of the material at issue in the exercise of Article III judicial power and the resultant value of such information to those monitoring the federal courts." *United States v. Amodeo*, 71 F.3d 1044, 1049 (2d Cir. 1995). In making this determination, the Court must "balance competing considerations" against access, such as "the danger of impairing law enforcement or judicial efficiency" and "the privacy interests of those resisting disclosure." *Lugosch v. Pyramid Co.*, 435 F.3d 110, 120 (2d Cir. 2006). In the instant case, the declaration that we are requesting to file under seal contains private information, including my perception of the breakdown of the attorney-client relationship between Mr. Del Villar and his attorneys. The declaration does not contain any information that

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would be necessary to those seeking to shed light on the actions of the federal courts. Thus, the balance weighs in favor of allowing us to file the declaration under seal to protect the privacy interests of both Mr. Del Villar and the attorneys involved.

Respectfully submitted,



Victor L. Hou

cc: Kaylan Lasky
Alexandra Rothman
Assistant United States Attorneys
1 Saint Andrews Plaza
New York, NY 10007

Application GRANTED. Defendant's counsel from Cleary Gottlieb Steen & Hamilton LLP ("Cleary") are granted leave to file their declaration in support of their motion to withdraw as counsel for Mr. Del Villar under seal.

IT IS FURTHER ORDERED that Cleary's motion to withdraw as counsel at Dkt. 170 will be held in abeyance until Mr. Del Villar has been extradited to the United States. Without the benefit of Mr. Del Villar's position on Cleary's motion, it cannot assess the prejudice to the Defendant of Cleary's withdrawal. The Government is directed to notify the Court promptly when Mr. Del Villar is back in the United States, at which time the Court will set a status conference regarding Cleary's withdrawal motion and the Government's plans for trial.

IT IS FURTHER ORDERED that by not later than **Friday, December 13, 2024**, Defense counsel Julie-Irene A. Nkodo, who appears to have left Cleary and joined Levine Lee LLP, must file a motion to withdraw as counsel, unless the Cleary attorneys wish to continue her as an associate on the matter if their motion to withdraw is denied.

SO ORDERED.



12/6/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE